

REMARKS:

Applicant's attorney would like to express his appreciation for the Examiner's willingness to grant an interview on February 11, 1999 to discuss several issues related to the prosecution of the above-referenced application, as summarized in the Interview Summary dated February 16, 1999 (Paper No. 4). Applicant has amended the claims as discussed in the interview to expedite allowance.

In the Preliminary Amendment filed on March 6, 1997, claims 5, 6, 15 -19, 23, and 24 were canceled. In the Action dated January 25, 1999, the Examiner defined Group I to include "Claims 1-7, 15-19, 23, 24, 27, 28, 30, and 31". Thus, Group I, as elected, includes claims 1-4, 7, 27, 28, 30, and 31.

The application as originally filed contained claims 1-4, 7, 11, 12, 25-28, 30, 31, and 33-36. With election of Group I and the cancellation of claims 7, 11, 12, 25-28, 30, 31 and 33-36 in this Second Preliminary Amendment, claims 1-4 remain pending in this application. Claims 1 and 4 have been amended as shown above. The claim language now parallels the language of the product-by-process claims set forth in U.S. Patent No. 5,690,926. Thus, no new matter is added by this amendment.

As currently amended, the claims may be subject to the judicially created doctrine of double patenting over certain claims of U.S. Patent No. 5,690,926. Thus, to expedite prosecution as discussed in the interview, submitted herewith is a Terminal Disclaimer disclaiming the terminal portion of any patent that issues on the present application which would extend beyond the expiration date of U.S. Patent No. 5,690,926.

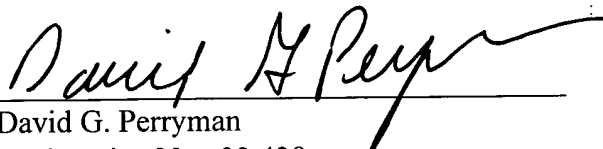
Pursuant to the above election, amendments, remarks and filing of a Terminal Disclaimer executed by the patent assignee, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

ATTORNEY DOCKET NO. 16016.0005
PATENT APPLICATION

A petition for a one-month extension of time and a check in the amount of \$110.00, covering the statutory fee under 37 C.F.R. §1.20(d) for a disclaimer and the fee for a one-month extension of time, are enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

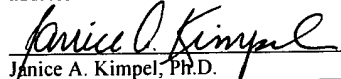
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 22nd day of March, 1999.


Janice A. Kimpel, Ph.D.

March 22, 1999
Date